

## REMARKS

Please cancel Claims 21-23 and 25 without prejudice. Claims 1, 8, 10 and 12 are pending. Claims 10 and 12 are allowed. Applicants thank the Examiner for allowing Claims 10 and 12.

### 102 Rejections

According to the instant Office Action, Claims 21-23 and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Weimer et al. (U.S. Patent No. 6,348,380). Claims 21-23 and 25 are canceled, rendering this rejection moot at this time.

According to the instant Office Action, Claims 1 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al. ("Wang;" U.S. Patent No. 6,617,639). According to the Office Action, Wang discloses "a silicon dioxide layer 54 adjoining said substrate 16." However, it appears that Wang's layer 54 is silicon nitride or silicon oxynitride, not silicon dioxide (column 15, lines 24-27). Wang also mentions that a high-K dielectric material deposited directly on the upper silicon surface 40 may cause silicon dioxide to be formed by oxidation of the silicon during deposition, but "any silicon dioxide formed by oxidation of the silicon during the deposition combines with the high-K dielectric material to become a component of a composite dielectric material" (column 15, lines 32-27; emphasis added). Applicants read this to mean that, according to Wang, a silicon dioxide layer is not formed between the substrate and the dielectric layer.

Therefore, Applicants respectfully submit that Wang does not show or suggest "a substrate ...; a silicon dioxide layer adjoining said substrate; a dielectric layer adjoining said silicon dioxide layer ...; ... wherein said silicon dioxide layer is sandwiched

between said substrate and said dielectric layer" as recited in independent Claim 1. Accordingly, Applicants respectfully submit that Wang does not show or suggest the structure recited in independent Claim 1 and that Claim 1 is in condition for allowance. Claim 8 depends from Claim 1 and recites additional limitations, and as such Applicants respectfully submit that Claim 8 is also in condition for allowance.

In summary, Applicants respectfully submit that the basis for rejecting Claims 1 and 8 under 35 U.S.C. § 102(e) is traversed.

#### Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1 and 8 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
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